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ODD LEGISLATIVE DISTRICTS

DAVID C. MOTT

In its early history as a state Iowa had a good many queer and awkwardly formed legislative districts. In order better to understand the reasons for them and how they were formed we will unfold a few pages of history surrounding them.

The act of Congress of June 12, 1838, establishing the territory of Iowa made provision, among other things, for the election of a Legislative Assembly which should be composed of a Council of thirteen members and a House of Representatives of twenty-six members. The term of office of the members of the Council should be two years and of the House, one year. The regular sessions should be held annually.

The first official act of Governor Lucas was to issue a proclamation, dated August 13, 1838, dividing the territory into eight legislative districts and apportioning the members of the Council and of the House among the sixteen counties then organized. During the eight years of the existence of the territory, although the number of organized counties had almost doubled, with the new membership of the House being elected each year, the numbers of the two branches remained the same as in the beginning, except in the last assembly, the Eighth, the membership of the House was slightly increased.

On the admission of Iowa as a state in 1846 the people entered on a new era of self-government. The state constitution which was written by a convention of its own citizens in May, 1846, and adopted by a vote of the people on August 3, and approved by Congress on December 28 of the same year, took up among many other matters the legislative department. It provided that the legislative authority should be vested in a Senate and a House of Representatives which should be designated as the General Assembly of the State of Iowa, that the sessions should be biennial, and should commence on the first Monday of December next ensuing the election of the members. The representatives should be chosen every second year and their term of office should be two years. The senators should be chosen for four years. The article on

the apportionment of members was as follows:

"Sec. 21. Within one year after the ratification of this constitution, and within every subsequent term of two years, for the term of eight years, an enumeration of all the white inhabitants of this state shall be made, in such manner as shall be directed by law. The number of senators and representatives shall, at the first regular session of the General Assembly, after such enumeration, be fixed by law, and apportioned among the several counties according to the number of white inhabitants in each; and (the General Assembly) shall also at every subsequent regular session, apportion the House of Representatives, and every other regular session of the Senate, for eight years; and the House of Representatives shall never be less than twenty-six, nor greater than thirty-nine, until the number of white inhabitants shall be one hundred and seventy-five thousand; and after that event, at such rates that the whole number of representatives shall never be less than thirty-nine nor exceeding seventy-two."

Then the Convention in its Sec. 7 of the Constitution apportioned the members to be elected to the First General Assembly. Excepting one group of counties, all the districts were in regular form, such as, "The counties of Louisa and Washington, one senator jointly, and one representative each," or "The counties of Marion, Polk, Dallas and Jasper, one senator and two representatives jointly." Then it took three counties and made three districts of them as follows: "The counties of Muscatine, Johnson and Iowa, one senator and one representative jointly, and Muscatine one representative, and Johnson and Iowa one representative, jointly," thus Muscatine elected one representative and joined with two other counties in electing another. Thus in the Constitution was given the strange example of "wing members," or a county having a representative of its own, and also joining with another county or counties in the election of another, an example that was considerably used for the next several sessions.

The First General Assembly convening in November, 1846, made no change in the representative districts, and the Second General Assembly meeting in December, 1848, in Chapter 125 revised the districts, but made them all without overlapping.

The Third General Assembly meeting in December, 1850, in Chapter 84 redistricted the state, having many new counties to add. It gave Wapello County one senator, then created another senatorial district out of Wapello, Monroe, Lucas and Clark, giving it one senator. It gave Davis County one senator, then made a district of Davis, Appanoose, Wayne and Decatur and gave it one senator. It treated the House to the same arrangement of overlapping the membership of Wapello with Monroe, Lucas, and Clark, and of Davis with Appanoose, Wayne and Decatur. And not being quite satisfied with the game, it gave Keokuk County one representative, and then allowed it to share with the new county of Mahaska in the election of another representative.

It is well to keep in mind that these laws changing legislative districts go into effect at the next election and remain as the law until a subsequent assembly changes them. The Fourth General Assembly convened in December, 1852. Its membership was thirty-one Senators and sixty-three representatives. It enacted in Chapter 67 forty-two representative districts providing for seventy-one members. Besides the regularly formed districts there were also these: 6th district, Jackson county, two representatives, 7th district, Jones county, one representative; 8th district, Jackson and Jones counties, one representative. 9th district, Cedar, one representative; 10th district, Clinton, one representative; 11th district, Scott, two representatives; 12th district, Cedar, Clinton and Scott, one representative; 13th district, Washington, one representative; 14th district, Louisa, one representative; 15th district, Washington and Louisa, one representative; 21st district, Johnson, one representative; 22nd district, Johnson and Iowa, one representative. 27th district, Wapello, two representatives; 28th district, Wapello and Keokuk, one representative. 34th district, Marion, one representative; 35th district, Marion, Warren and Madison, two representatives. 36th district, Polk, one representative; 37th district, Polk, Dallas and Guthrie, one representative.

The Fifth General Assembly met in December, 1854. It consisted of thirty-one senators and seventy-one representatives. The number of counties had grown to ninety-nine.

Some of the districts in northwestern Iowa were very large. But few "wing" districts were created in this session. Chapter 139 designated the representative districts. Only the following were irregular: 7th district, Wapello, two representatives; 8th district, Wapello and Keokuk, one representative. 18th district, Washington, one representative; 19th district, Louisa and Washington, one representative. 29th district, Cedar, one representative; 30th district, Clinton, one representative; 31st district, Clinton and Cedar, one representative. 35th district, Polk, one representative; 36th district, Polk, Dallas and Guthrie, one representative. 37th district, Jackson, two representatives; 38th district, Jones, one representative; 39th district, Jackson and Jones, one representative.

The Sixth General Assembly met in December, 1856. Its Chapter 132 shows it made the following combinations in its efforts to equalize representation: 3rd district, Fayette, one representative; 5th district, Buchanan and Fayette, one representative. 25th district, Cedar, one representative; 29th district, Muscatine, one representative; 30 district, Muscatine and Cedar, one representative. 32nd district, Des Moines, two representatives; 33rd district, Des Moines and Louisa, one representative. 47th district, Wayne, Appanoose and Davis, one representative; 48th district, Appanoose, one representative. In this session the Senate had one similarly created district, Dubuque having one senator and Dubuque and Delaware joining to get another.

The present Constitution of Iowa was adopted in 1857 and the Seventh General Assembly, the first assembly under the new constitution and the first to convene at the new capital, Des Moines, met in January, 1858. After that session, the members of which were chosen from the districts as formed in the previous session, we find no more "wing" members, or overlapping districts.

It will be noticed that these "wing" districts nearly all occurred in the eastern part of the state among the older counties and in their early history. Those oddly constructed districts now give us the impression they were made by inexperienced legislators who did a lot of swapping with each other, in order to get as many members as possible for their

own counties. As is well known among legislators, redistricting is done almost entirely by the committees, one in the Senate on senatorial districts and one in the House on representative districts. The boundaries of and the apportionment of members to a district are supposed to be made as nearly as possible to what the population of the district entitles it to have. The report of the committee, especially if unanimous, nearly always is accepted by the body and becomes the law. We notice as the new state grew a little older, and was bringing in flocks of new counties, the districting was in the hands of more experienced legislators and the confusing "wing" membership vanished, and no doubt the representation by population was as nearly equitable as it was with the old "wing" districts. Inexperienced Iowans were learning lessons in government by democracy. Absolute equity in representation in expanding populations was a little difficult.

As time passed the new counties in the northwestern part of the state received equitable treatment in representation. In 1904 an amendment to the Constitution was adopted increasing the membership of the House to one hundred and eight members, and giving at least one member to each county. The membership of the Senate was fixed at fifty members. It is noticeable that the General Assembly is now and has been for several years remiss in its constitutional duty in not giving fair representation to a large section of northwestern Iowa and leaving certain old eastern parts of the state over represented.

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